

Abstract v anglickém jazyce

The subject of presented Master's degree thesis is *Raising claims in insolvency proceedings*. The purpose of this thesis is to analyze this issue from the view of present legislation and judicial decisions and to point out some interpretation problems. Recent amendments of legal regulation as well as proposed bills were taken into account too.

This thesis is divided into nine chapters. Chapter One introduces an initial part of insolvency proceedings, which starts with the commencement of insolvency proceedings and ends with the decision on the bankruptcy. It is concerned with an insolvency petition and analyzes its requirements and effects. This is followed by description of a court procedure regarding the alternatives of decisions on the insolvency petition. The consequences of unfounded insolvency petition and subsequent liability of petitioner were not left without attention as well.

Chapter Two is focused on the creditor as a participant in the insolvency proceedings. Creditors are divided into five groups by the character of their claims. In these groups is a position of creditors in the proceedings defined especially with regards to the way of raising their claims.

Next two chapters represent the key part of this thesis. As its title suggests, it relates to raising claims in insolvency proceedings itself. The common way of raising claims by the creditors, represented by filing the applications, is properly described and special ways are mentioned as well. In this part I also focus on an issue of liability of the creditor for the application with pointing out the consequences of incorrect application of a claim. This is followed by the explanation of review of the registered claims because it is only properly raised claim that can be satisfied in the insolvency proceedings. I look closely into the right to deny the registered claims with special attention to the latest changes in Insolvency Act.

Chapter Five deals with other possible procedures which can lead on to determination of a claim and it is a form of decision on incidental disputes on the authenticity, amount or order of a claim. In addition there are described other incidental disputes that can affect final satisfaction of creditors in the insolvency proceedings, possibilities of creditors to initialize these disputes or intervene in them are emphasized.

Chapter six analyzes the possible ways that the creditors can influence on the insolvency proceedings by their participation in the creditor's bodies and a crucial right to vote the insolvency administrator is also pointed out.

Last three chapters are concerned with methods of resolution of insolvency, i. e. bankruptcy, reorganization and discharge. In these chapters I mention the feasibility of methods of resolution of insolvency and I describe the steps that must be taken to their realization. I pay attention especially to the question of how can creditors control choosing method of resolving insolvency and how can influence deciding other related issues. And finally, the last chapters deal with satisfying of creditor's claims in each method of resolving insolvency, showing some specifics as a result of the chosen method.